



Alaska Department of Transportation & Public Facilities Civil Rights Training Module

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**This PowerPoint training is a requirement of the
Alaska Department of Transportation & Public
Facilities (ADOT&PF)
Federal Equal Employment Opportunity (EEO)
Bid Conditions ([Form 25A-301](#))**

**Please review the following slides and complete the
online Civil Rights Training Module questionnaire**

[HERE](#)

If you have any questions or need assistance with training,
please contact

ADOT & PF Civil Rights Office

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This Training Includes Four ADOT&PF Sections:

- A** Title VI and the Civil Rights Act of 1964
- B** The Disadvantaged Business Enterprise (DBE) Program
- C** The On-The-Job (OJT) Training Program
- D** Contractor Compliance Reviews



Alaska Department of Transportation & Public Facilities

Title VI and the Civil Rights Act of 1964

A Title VI and the Civil Rights Act of 1964

“(N)o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”



A

Title VI Compliance – Why it Matters

- It is illegal to discriminate, either intentionally or unintentionally
- It is part of the Department's assurance to US DOT that we will administer the Highway program free of discrimination
- Failure to do so could result in partial or complete loss of federal funding for a single project or statewide
- It's the right thing to do

A

The Basics About Title VI Implementation

Effective Title VI Implementation means:

- Identifying Minority Communities (Title VI & EO 12898)
- Identifying Low Income Populations (Environmental Justice EO 12898)
- Identifying affected residents that have Limited English Proficiency (EO 13166- LEP & Title VI)
- Communication that is meaningful and accurate about the impacts a highway project may/will impose on the resident.

A

COMPLAINTS

Purpose – To provide an avenue of redress when an individual believes s/he has been subjected to discrimination, while protecting the due process rights of the complainant and the respondent.

You can find more information about the complaint process at the Alaska Department of Transportation & Public Facilities Title VI website:

<http://www.dot.state.ak.us/cvlrts/titlevi.shtml>

A Title VI and the Civil Rights Act of 1964

Title VI brochures are available in the following languages at:

www.dotcivilrights.alaska.gov

- **English**
- **Spanish**
- **Yup'ik**
- **Inupiat**
- **Braille**
- **Korean**
- **Tagalog**
- **Hmong**
- **Russian**



Alaska Department of Transportation & Public Facilities

The Disadvantaged Business Enterprise (DBE) Program

B

The Disadvantaged Business Enterprise (DBE) Program

- 49 CFR 26 are the federal regulations that govern DBE Program administration for funds from FHWA (highways), FAA (airports) & FTA (transit and multi-modal facilities).
- The DBE program is an affirmative action program to eliminate past & present discrimination in federally assisted programs and to ensure future nondiscriminatory practices.

B

What are the Key Points of the Disadvantaged Business Enterprise (DBE) Program?

- Alaska Unified Certification Program (49 CFR 26.81)
- Annual DBE Goals (49 CFR 26.45)
- DBE Project Goals (49 CFR 26.51)
- Good Faith Efforts (49CFR 26.53 & Appendix A)
- Commercially Useful Functions (49 CFR 26.55 (c))
- DBE Support Services

B

Alaska Unified Certification Program (AUCP)

The Alaska Unified Certification Program (AUCP), which is mandated by the US Department of Transportation and administered by the Alaska Department of Transportation and Public Facilities (ADOT&PF) Civil Rights Office (CRO), is your "one-stop" certification process which provides opportunities to participate as a Disadvantaged Business Enterprise (DBE) on projects funded by:

- Federal Highway Administration (FHWA)
- Federal Aviation Administration (FAA), and
- Federal Transit Administration (FTA)

that are let by numerous agencies throughout the State of Alaska.

B

What is a Disadvantaged Business Enterprise (DBE)?

- A DBE is a Small, for-profit business that is at least 51% owned & controlled by socially & economically disadvantaged individuals.
- CFR 49 Part 26 defines who are members of presumptively disadvantaged groups.
 - ★ Subcontinent Asian Americans
 - ★ Asian-Pacific Americans
 - ★ Black Americans
 - ★ Hispanic Americans
 - ★ Native Americans
 - ★ Women
- If not a member of that group – can still be eligible under Appendix E
- Must meet both social and economic disadvantage criteria.

B

The DBE Directory

<http://www.dot.state.ak.us/cvlrts/directory.shtml>

The DBE Directory is an online list of all the certified DBE firms.

- By Firm Name
- By NAICS Code
- By Work Category
- Excel DBE List
- FAA Concessionaires
- Professional Service Consultants



Hard copies are made every July but the most up-to-date information is found online.

B

Annual DBE Goals

49 CFR 26.45

The Alaska Department of Transportation & Public Facilities (ADOT&PF) is mandated to set overall goal for DBE participation in DOT-assisted highways, aviation, and transit contracts.

Each overall goal is broken down into two categories: race-neutral and race-conscious. All DBE goals are considered race-conscious goals. Race-neutral goals capture DBE participation on contracts without goals, or participation beyond a contract goal. Both measures are equally important.

The ADOT&PF can stop setting contract goals when the overall goals are met or projected to be met.

B

Project DBE Goals

49 CFR 26.45

Each project with Federal funding will have a DBE goal set for it. The bidder has an obligation to make a good faith effort to meet this goal. This can be demonstrated by either meeting the DBE Utilization Goal set on a project or documenting good faith efforts as outlined in the [Special Provision 120](#).

B

Factors used to set Project DBE Goals (%)

- Scope of the project
- Type of prime contractor
- Location of the project
- Bid items within time frame
- Available DBEs
- Determine what are possible subcontractable items

B

RESULTS

- Once all this information is reviewed and analyzed, a goal is set for the project.
- DBE Utilization Goal-established percentage based on the overall dollar amount of prime contractor's bid
- ▶ IF the goal is not met, the Contractor must submit documentation of good faith efforts.

B

Good Faith Efforts (GFE)

- GFEs are conducted when a contractor has used all the necessary and reasonable steps to fulfill the DBE goal set for a project
- A GFE is a conscious effort to aggressively seek DBE participation and to clearly document the effort made toward fulfilling the DBE goal

B

GFE Documentation Requirements [Special Provision 120-3.02](#)

A contractor who does not meet the DBE Utilization Goal must submit the following information:

- Copy of the DBE Subcontractable Items List
- Contact Reports
- Copy of the Request for Bid Solicitation to DBEs
- DBE Utilization Report
- Summary of GFE Documentation
- Subcontractor List
- Copies of quotes

B

GFE Findings

✓ **Compliance**

When a GFE is met, the Contractor is found in compliance and the project moves on to an award.

⊗ **Non-Compliance**

The bidder has 3 calendars days to request Administrative Reconsideration.

1. The non-compliance finding is upheld and the low bidder will be declared non-responsible.
2. The ADOT&PF will initiate procedures to review the GFE of the next low bidder.

B

Commercially Useful

Functions (CUF) 49 CFR 26.55 (c)

A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

- The work will be performed, controlled, managed, and supervised by employees normally employed by and under the control of the certified DBE.
- The work will be performed with the DBE's own equipment.
- Either the DBE owner or DBE key employee will be at the work site and responsible for the work.

DOT Engineers verify that DBEs are performing a CUF to count toward a DBE project goal or race-neutral credit.

B

Prompt Payments AS 36.90.210

The prime contractor and a subcontractor on a public construction or public works contract shall include in a subcontract between the prime contractor and subcontractor for the public construction or public works a clause that requires the prime contractor to pay:

1. for satisfactory work within eight working days of receipt of payment;
2. all retainage due within eight working days of receipt of final payment;
3. interest on monies not paid in accordance with 1. above;
and
4. interest on retainage withheld.

B

Reporting DBE Payments

[Special Provision 120](#)

On a monthly basis, the prime contractor shall submit the Monthly Summary of Disadvantaged Business Enterprise Participation, [Form 25A-336](#), to the Civil Rights Office. Reports are due by the 15th of the following month.

They must also attach copies of canceled checks or bank statements that identify payer, payee, and amount of transfer to verify payment information shown on the form.

B

Unsatisfactory Work

[Special Provision 120](#)

- If the Contractor fails to utilize the DBEs listed on [Form 25A-325C](#) as scheduled or fails to submit proof of payment, requested documentation, or otherwise cooperate with a DBE review or investigation, the Department will consider this to be unsatisfactory work.
- If the Contractor fails to utilize Good Faith Effort to replace a DBE, regardless of fault (except for [Subsection 120-3.05 item 3](#)), the Department will also consider this unsatisfactory work.
- Unsatisfactory work may result in disqualification of the Contractor from future bidding under [Subsection 102-1.13](#) and withholding of progress payments consistent with [Subsection 109-1.06](#).



Alaska Department of Transportation & Public Facilities

On-The-Job (OJT) Program

Applicable only to Highway Projects

C

On-the-Job Training (OJT) Program

Statewide Special Provisions 645

Training and upgrading of minorities and women toward journey status is the primary objective of this program.

To meet Section 645 training requirements of the Alaska Department of Transportation and Public Facilities (ADOT&PF) contracts, a contractor has two programs to choose from.

- USDOL Apprentice Program
- ADOT&PF Trainee Program*

****FHWA has approved that the ADOT&PF is authorized to only use registered apprenticeship programs; stay tuned for updated Statewide Special Provisions 645***

C On-the-Job Training (OJT) Program

Contractors are responsible for:

- Selecting the trade classification
- Completing Forms [25A-310](#), [25A-311](#), [25A-312](#)
- Monthly reporting of Form [25A-313](#)
- If apprentices/trainees are to be trained by a subcontractor that all training requirements are met

Contractors must understand that compliance or noncompliance rests with the Contractor and sanctions and/or damages, if any, shall be applied to the Contractor.

Learn more at <http://www.dot.state.ak.us/cvlrts/ojt.shtml#>



Alaska Department of Transportation & Public Facilities

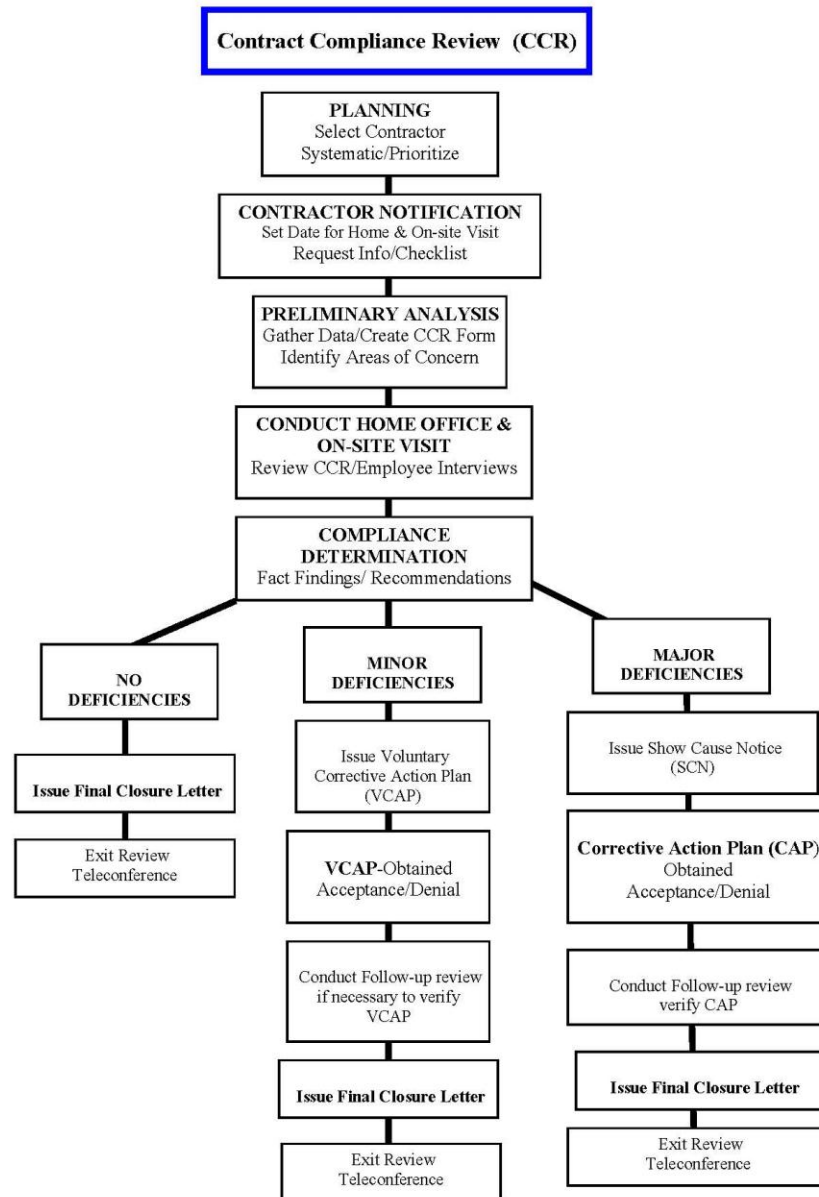
Contract Compliance Reviews (CCRs) *Applicable only to Highway Projects*

D

CONTRACT COMPLIANCE REVIEWS (CCR)

- The Equal Employment Opportunity and Affirmative Action (EEO/AA) requirements of a contract are enforced through Contract Compliance Reviews (CCR). In agreement with the Federal Highway Administration (FHWA), the ADOT&PF is required to perform a designated number of CCRs annually.
- If you are a contractor or subcontractor on an FHWA-funded project, your firm may be selected for a contract compliance review.

D



END OF TRAINING

Please complete the following questionnaire [HERE](#)

OR

Complete the Civil Rights Training Module pdf document
available at www.dotcivilrights.alaska.gov

Send the PDF document to:
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